

HOUSE BILL No. 1243

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-14-31; IC 25-15-9-18.

Synopsis: Written burial instructions. Prohibits the cremation of a decedent's remains if the decedent's written instructions require disposition of the decedent's remains in another manner. Provides that an individual does not have the authority to designate the manner, type, and selection of the final disposition and interment of a decedent's remains in a manner that is inconsistent with the decedent's written instructions.

Effective: July 1, 2002.

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January 14, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1243

A BILL FOR AN ACT to amend the Indiana Code concerning consumer protection.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-14-31-26.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2002]: **Sec. 26.5. A person having the right to**
4 **serve as an authorizing agent under section 26 of this chapter may**
5 **not authorize the cremation of a decedent's remains under this**
6 **chapter if the decedent had provided written instructions for the**
7 **final disposition of the decedent's remains in another manner in**
8 **one (1) of the following:**

9 (1) **A will.**

10 (2) **A trust.**

11 (3) **A prepaid funeral plan under IC 30-2-9.**

12 (4) **A funeral trust fund under IC 30-2-10.**

13 (5) **A contract for prepaid services or merchandise under**
14 **IC 30-2-13.**

15 (6) **An advance health care directive.**

16 (7) **Any other written document signed by the decedent.**

17 SECTION 2. IC 23-14-31-36 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 36. (a) Except:

2 (1) when waived in writing by the city or county health officer
3 where the death occurred; or

4 (2) as provided in subsection (d);

5 human remains shall not be cremated less than forty-eight (48) hours
6 after the time of death as indicated on the medical certificate of death
7 or the coroner's certificate.

8 (b) Except as provided in subsection (a), unless the crematory
9 authority has received specific instructions to the contrary on the
10 cremation authorization form, a crematory authority may schedule the
11 actual cremation to be performed at the authority's convenience at any
12 time after the human remains have been delivered to the crematory
13 authority.

14 (c) A crematory authority shall not cremate human remains when
15 the authority has actual knowledge that the human remains contain a
16 pacemaker or other material or implant that may be potentially
17 hazardous to the individual performing the cremation.

18 (d) The mandatory delay of forty-eight (48) hours imposed by
19 subsection (a) does not apply to the cremation of the remains of a
20 person:

21 (1) who died in another state; and

22 (2) whose remains are transported to Indiana by:

23 (A) a licensed funeral director; or

24 (B) the agent of a licensed funeral director;

25 for the purpose of cremation at an Indiana crematory;
26 if the funeral director or funeral director's agent obtains the documents
27 required for cremation by the state in which the death occurred.

28 **(e) A crematory authority may not cremate the remains of a**
29 **decedent who provided written instructions requiring final**
30 **disposition of the decedent's remains in another manner in a**
31 **document listed in section 26.5 of this chapter.**

32 SECTION 3. IC 25-15-9-18 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 18. **(a) Except as**
34 **provided in subsection (b),** the following persons, in the order of
35 priority indicated, have the authority to designate the manner, type, and
36 selection of the final disposition and interment of human remains:

37 (1) The decedent's surviving spouse.

38 (2) The decedent's surviving adult child or children. However, if
39 the children cannot agree on the manner of final disposition, the
40 personal representative of the decedent's estate.

41 (3) The decedent's surviving parents.

42 (4) The personal representative of the decedent's estate.

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1 (b) A person described in subsection (a) does not have the
2 authority to designate the manner, type, and selection of the final
3 disposition and interment of the decedent's remains in a manner
4 that is inconsistent with the decedent's written instructions
5 provided in one (1) of the following:

6 (1) A will.

7 (2) A trust.

8 (3) A prepaid funeral plan under IC 30-2-9.

9 (4) A funeral trust fund under IC 30-2-10.

10 (5) A contract for prepaid services or merchandise under
11 IC 30-2-13.

12 (6) An advance health care directive.

13 (7) Any other written document signed by the decedent.

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